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(Pro Hac Vice Application Forthcoming)
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10
11 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
12 **OAKLAND DIVISION**

13 STATE OF CALIFORNIA, *et al.*,)
))
14 Plaintiff,)
))
15 vs.)
))
16 DONALD J. TRUMP, President of the)
United States, in his official capacity, *et al.*,)
))
17 Defendants.)
))
18 _____)

Case Action No. 19-cv-00872-HSG

**CONSENTED MOTION OF THE
AMERICAN CENTER FOR LAW
AND JUSTICE FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN
SUPPORT OF DEFENDANTS**

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**Not Admitted in This Jurisdiction*

1 The American Center for Law & Justice (“ACLJ”), by and through undersigned counsel,
2 respectfully moves the Court for leave to file the attached proposed *amicus curiae* brief in support
3 of Defendants.

4 ***Counsel for the Plaintiffs and the Defendants have consented to the ACLJ’s motion for***
5 ***leave to file an amicus curiae brief.***

6 In support of this Motion, the ACLJ states as follows:

7 1. *Amicus Curiae* the American Center for Law and Justice (the ACLJ) is an organization
8 dedicated to the defense of constitutional liberties and structures secured by law. Counsel for the
9 ACLJ have presented oral argument, represented parties, and submitted *amicus* briefs before the
10 United States Supreme Court and numerous state and federal courts around the country in cases
11 concerning the First Amendment, national security, and immigration law, including *FEC v.*
12 *Wisconsin Right to Life*, 551 U.S. 449 (2007); *McConnell v. FEC*, 540 U.S. 93 (2003); *United*
13 *States v. Texas*, 136 S. Ct. 2271 (2016); and *Trump v. Hawaii*, 138 S. Ct. 2392 (2018). The ACLJ
14 has been active in advocacy and litigation concerning the need for protecting the Constitution, the
15 First Amendment, the separation of powers, the national security of the United States of America,
16 and the immigration laws in place that protect American citizens from harm.

17 2. The ACLJ desires to file its *amicus curiae* brief on behalf of over 144,000 of its members
18 who support the Defendants’ efforts to secure the nation’s southern border.

19 3. *Amicus Curiae* affirms that no counsel for a party authored this brief in whole or in part
20 and that no person other than *Amicus Curiae*, its members, or its counsel has made any monetary
21 contributions intended to fund the preparation or submission of this brief.

22 4. The American Center for Law and Justice is a nonprofit organization that has no parent
23 and issues no stock.

1 5. “There are no strict prerequisites that must be established prior to qualifying for amicus
2 status.” *Habeas Corpus Res. Ctr. v. United States Dep’t of Justice*, No. C 13-4517 CW, 2013 WL
3 6157321, at *2, 2013 U.S. Dist. LEXIS 167419, at *4 (N.D. Cal. Nov. 22, 2013) (internal quotation
4 and citation omitted). “District courts frequently welcome amicus briefs from non-parties
5 concerning legal issues that have potential ramifications beyond the parties directly involved.” *Id.*,
6 2013 U.S. Dist. LEXIS 167419, at *4-5 (internal quotation and citation omitted).

7 **CONCLUSION**

8 For the foregoing reasons, proposed *amicus curiae* requests that its motion be granted and
9 its proposed brief be filed.

10 Dated: May 2, 2019.

Respectfully submitted,

11 JAY ALAN SEKULOW (N.D. Cal. # 496335)
12 *Counsel of Record*
13 STUART J. ROTH*
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16 /s/ Benjamin P. Sisney
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on May 2, 2019, I caused a true and correct copy of the foregoing
3 Motion of the American Center for Law and Justice for Leave to File its *Amicus Curiae* Brief and
4 the proposed Brief of *Amicus Curiae* to be filed via the U.S. District Court for the Northern District
5 of California’s CM/ECF system, which I understand caused service on all registered parties and
6 counsel of record.

7 Dated: May 2, 2019.

Respectfully submitted,

8 /s/ Benjamin P. Sisney
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